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January 25, 2006

By Facsimile

David J. Strachman
McIntyre, Tate, Lynch & Holt LLP
321 South Main Street, Suite 400
Providence, RI 02903

**Re: Estate of Ungar, et al. v. Palestinian Authority, et al., 18 MS 0302
(S.D.N.Y.)**

Dear Mr. Strachman:

We received your January 23, 2006, letter regarding the subpoenas issued to Messrs. El Gammal and Khalil. We do, indeed, stand ready to confer on the outstanding discovery requests. Our experience is that such conferring is most productive through oral negotiation rather than through letters, and we hope to confer with you or Mr. Tolchin in the near future.

We must disagree that we have made "no effort whatsoever to ... respond to [your] repeated attempts to coordinate compliance cooperatively." Both White & Case and Winston & Strawn have responded appropriately to Mr. Tolchin's communications, as is more specifically articulated in our contempt opposition papers.

We must also disagree that our willingness to confer on the El Gammal and Khalil subpoenas is somehow inconsistent with our position that neither individual may be compelled to appear at a deposition. In order to resolve issues with the Estate, we may be willing to compromise by having one of them appear for a limited deposition even if we believe that they cannot legally be required to do so.

As to your inquiry about responsive documents, Messrs. El Gammal and Khalil are searching for any responsive documents, and we have been working with them to ensure that their search is appropriate. If they locate responsive documents, they will produce them shortly. We do not understand your assertion that footnote 2 of our contempt opposition "can only mean that [Messrs. El Gammal and Khalil] are holding responsive documents." Only after they complete their search will we know whether they have responsive documents.

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As to the testimonial aspects of the El Gammal and Khaliq subpoenas, we are disappointed by your "unequivocal[]" statement that "the Ungars will not abandon any aspect of the subpoenas." Nonetheless, we ask you to review Rule 45 and Rule 30 as well as the *Price Waterhouse* case, and then to explain to us how you can justify seeking testimony from these two foreign non-party witnesses. Judge McMahon, in her November 7, 2005 ruling, expressly referred to grounds requiring modification of these two subpoenas under Rule 45(c), a provision that excuses compliance with a subpoena violating the 100-mile rule. We think it inappropriate of you to disregard Judge McMahon's observation.

We note your reference to the subpoenas that the Estate has served upon numerous third parties. Orascom's alleged links to these third parties have already been found by Judge McMahon to be insufficient to support personal jurisdiction or even personal jurisdictional discovery. The Estate's pursuit of discovery from these third parties is nothing short of harassment.

Indeed, the penultimate paragraph of your letter reveals that the Estate's current aggressive discovery effort is simply an attempt to force Orascom itself into providing discovery that Judge McMahon ruled was not required. We submit that the Estate is thereby misusing and abusing the tools of discovery.

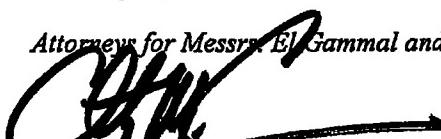
Again, we stand ready to engage in constructive conferring if doing so can put all of these discovery issues behind us once and for all.

Sincerely,



William M. Sullivan
Christine M. Whittlesey
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1700 K Street, NW
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FROM: William M. Sullivan

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DATE: 1/25/2006

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COMMENTS

Please see attached.

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THANK YOU.
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